

COMMISSIONER FOR PATENTS
Alexandria, VA 22313-1450



Docket No.: 300.1033US
Date: March 23, 2004

In re application of: Chih-Ming CHEN
Serial No.: 09/970,049
Filed: October 2, 2001
For: **PACKAGING SYSTEM**

Sir:

Transmitted herewith is a **Statement of Substance of Interview under 37CFR §1.133** in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
☒ No fee for additional claims is required.
☐ A filing fee for additional claims calculated as shown below, is required:

FOR:	(Col. 1)		(Col. 2)		SMALL ENTITY		OR	LARGE ENTITY	
	REMAINING	HIGHEST	PREVIOUSLY	PRESENT	RATE	FEE		RATE	FEE
	AFTER		PAID FOR	EXTRA					
TOTAL CLAIMS	0 Minus	0	=	0	x \$ 9	\$		x \$ 18	\$
INDEP. CLAIMS	0 Minus	0	=	0	x \$ 42	\$		x \$ 84	\$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$140	\$		+ \$280	\$

TOTAL: \$ OR TOTAL: \$

- * If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- ☐ Also transmitted herewith are:
☐ Petition for extension under 37 C.F.R. 1.136 (in duplicate)
☐ Other:

- ☐ Check(s) in the amount of \$.00 is/are attached to cover:
☐ Filing fee for additional claims under 37 C.F.R. 1.16
☐ Petition fee for extension under 37 C.F.R. 1.136
☐ Other:

- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.

- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
☒ Any patent application processing fees under 37 C.F.R. 1.17.
☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

Robert J. Paradiso, Reg. No. 41,240
 DAVIDSON, DAVIDSON & KAPPEL, LLC
 485 Seventh Avenue, 14th Floor
 New York, New York 10018
 Tel: (212) 736-1940
 Fax: (212) 736-2427

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with sufficient postage to the United States Postal Service as "first class mail" in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on March 23, 2004.
 DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:



300.1033

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: S. Oh

Art Unit: 1615

Re: Application of:

Chih-Ming CHEN, et al.

Serial No.:

09/970,049

Filed:

October 2, 2001

For:

PACKAGING SYSTEM

STATEMENT OF SUBSTANCE
OF INTERVIEW UNDER 37 CFR §1.133

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

March 23, 2004

Sir:

In response to the Interview Summary mailed February 23, 2004, this communication includes the substance of the February 19, 2004 telephonic interview with the Examiner as required under 37 CFR §1.133.

In the interview, newly submitted claims 3, 6, 16, 17, 19, 20 and 22-33 (forwarded to the Examiner on February 17, 2004 with a Request for Continued Examination) were discussed in view of the Depui reference in view of either the Eek or Kallgren references.

The discussion of the prior art reflected the arguments presented in the February 17, 2004 response and were directed to Applicant's position that in view of the Depui patent, one of ordinary skill in the art would not be led to administer active substances in separate unit dosage forms. It was further discussed that as Depui teaches both actives in one dosage form, combination with Eek or Kallgren would not result in the presently claimed invention.

In response to the arguments, the Examiner stated that further search and consideration were needed in view of the newly presented claims and further stated that it may be necessary to additionally define the invention in order to distinguish the prior art.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

Robert J. Paradiso
Reg. No. 41,240

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940